

**MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL**

TUESDAY, March 15, 2011

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:04 p.m. by Vice Mayor Geller in Hoyer Hall of the Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Shuey (arrived at 7:09 p.m.), Vice Mayor Geller, Councilmembers Medrano, Pierce, and Stratford. Staff present: Assistant to the City Manager Laura Hoffmeister, Assistant City Attorney Maury Huguet, Community Development Director David Woltering, and City Clerk Laci Jackson.
2. **CLOSED SESSION-** The Assistant to the City Manager stated the Closed Session was cancelled.
 - (a) *Government Code Section 54957.6., Conference with Labor Negotiator*
Instructions to City-designated negotiator: City Manager
Employee Organization: Clayton Police Officers Association (CPOA)
3. **PLEDGE OF ALLEGIANCE** – led by Vice Mayor Geller.
4. **CONSENT CALENDAR-**

Vice Mayor Geller asked for Item 4(f) to be pulled for discussion. He asked the City Clerk why only new employees were to be fingerprinted and why the City could not provide their own Livescan fingerprint services.

The City Clerk responded that many current employees were hired long ago and had been fingerprinted as part of their employment background checks. She stated all Police Department personnel and volunteers were fingerprinted. She stated the majority of the employees to be fingerprinted would be temporary and seasonal maintenance workers and any new administrative or maintenance staff. She also indicated the cost to re-fingerprint current employees would be high. Lastly, she stated the City of Concord has the Livescan machine and people who are trained to administer the fingerprinting, the City of Clayton does not own the Livescan machine or have anyone trained to use the equipment.

It was moved by Councilmember Stratford seconded by Councilmember Pierce to approve the Consent Calendar as submitted (Passed; 5-0 vote).

- (a) Approved the minutes of the regular meeting of March 1, 2011.
- (b) Approved Financial Demands and Obligations of the City.
- (c) Adopted Resolution 03-2011 approving the terms of purchase and authorizing payment for and acceptance of an easement deed from the Mt. Diablo Unified School District for construction and use of a public driveway and appurtenant drainage facilities adjacent to the Diablo View Middle School and Clayton Community Gymnasium in association with the Clayton Community Park parking lot expansion project (CIP No. 10413).
- (d) Adopted Resolution 04-2011 modifying the terms of appointed office for Trails and Landscaping Committee members to end on calendar year basis rather than the current fiscal year term.

- (e) Adopted Resolution 05-2011 establishing the City's 2011-2012 ERU Assessment Rate for Federal and State Mandated National Pollution Discharge Elimination System (NPDES) Program (Storm Water Pollution Prevention).
- (f) Adopted Resolution 06-2011 authorizing the City of Clayton to access state and local summary criminal history information for City employment purposes and adopting a City Employment Fingerprint Policy.
- (g) Adopted Resolution 07-2011 approving a First Amended Joint Litigation Agreement, a Second Fee Sharing Resolution, and a Legal Services Agreement for the City to join other Contra Costa County cities and special districts in retaining the special legal services of Benjamin P. Fay of Jarvis, Fay, Doporto & Gibson, LLP, to challenge a plan by the Contra Costa County Auditor-Controller on the allocation of refunded property taxes to Chevron Corporation for its refinery located in the city of Richmond, CA.
- (h) Accepted the Annual Report to be filed with the State of California Housing and Community Development (HCD) on City Housing Element progress.

4. RECOGNITIONS AND PRESENTATIONS

- (a) Remarks by County Supervisor Karen Mitchoff (4th District, Contra Costa County).

Supervisor Karen Mitchoff greeted the Council and then introduced her District Representative Carolina Salazar. She stated there are many things going on in the County including redistricting for the County Supervisor districts. She stated the Board is working on the County budget and meeting with employee groups in negotiations on benefit packages and retirement issues. She stated the unrepresented management staff just agreed to no longer have vacation buyback options. She stated employees are being asked to share the sacrifice and are still looking at a 6% payroll rollback.

Mayor Shuey stated the City of Clayton has moved to a Tier II program for new employees but many other cities have not done so. He asked Supervisor Mitchoff if she would consider having the County put together a roundtable with other cities countywide to consider getting buy in on a joint effort, so that all cities are on a more level playing field.

5. REPORTS

- (a) Planning Commission – No meeting held to report.
- (b) Trails and Landscaping Committee – No meeting held to report.
- (c) The Assistant to the City Manager reported there are many ideas floating around Sacramento to help with the State budget crisis. She reported the City's Solid Waste and Recycling Diversion report was approved by the State.
- (d) City Council

Councilmember Pierce attended an ABAG meeting and stated ABAG released their vision scenario. She indicated the plan focuses on new growth at the urban core, and intensifying development in areas where major transit exists. She stated for Clayton the projection for the next 21 years is only 124 homes. She attended the Bike Rodeo at the Diablo View Middle School and encouraged children to bike or walk to school. She also attended a Transportation Authority meeting and a TRANSPAC meeting.

Vice Mayor Geller asked when the bike racks around town would be installed.
Councilmember Pierce stated the racks are on order.

Vice Mayor Geller attended the Creekside Arts Festival and the grand opening of Hair by Jim's new location in downtown Clayton. He also attended the Mayors Conference and spoke with the Contra Costa Water District regarding water reclamation projects.

Councilmember Stratford participated in Junior Achievement at Mt. Diablo Elementary School and attended a Do the Right Thing meeting. He also stated the Clayton Cleans Up event is April 16th.

Mayor Shuey attended the Mayors' Conference and has been working with the school district on many issues.

(e) Other – None.

6. **PUBLIC COMMENTS** – None.

7. **PUBLIC HEARINGS** – None.

8. **ACTION ITEMS**

(a) Second Reading and Adoption of Ordinance No. 431 that amends certain chapters of the *Clayton Municipal Code* to bring the City's Building, Electrical, Plumbing, Mechanical and Residential Codes into compliance with the 2010 Editions of the respective California Construction Codes (aka the CA Green Building Standards Codes, or CALGreen). ZOA 01-11

The Community Development Director presented the staff report and stated the code was updated at the state and county level and includes changes to the construction, building, electrical, plumbing and mechanical codes and adds new green building codes. He stated the County adopted these codes on February 15th and since they provide building services for the City it is necessary to approve this Ordinance for consistency.

Mayor Shuey asked the Community Development Director to explain the City and the County relationship in regards to building inspections.

The Community Development Director stated the County Building Inspection Division does plan checks for new construction, issues building permits, and does inspections on building permits issued as well as building code enforcement. The City staff looks at plans for construction to ensure compliance with local development and zoning requirement and then the County looks at the projects compatibility with the building code. He stated the County staff looks at the detailed construction documents.

No public comments were received.

It was moved by Councilmember Stratford, seconded by Councilmember Pierce to have the City Clerk read Ordinance No. 431 by title and number only and waive further reading (Passed; 5-0 vote).

The City Clerk read Ordinance No. 431 by title and number only.

It was moved by Vice Mayor Geller, seconded by Councilmember Pierce to adopt Ordinance No. 431 (Passed; 5-0 vote).

- (b) Consideration of the City's Annual Report regarding the collection and disposition of development impact mitigation fees for FY 2009-2010, in compliance with the CA Government Code (AB 1600).

The Assistant to the City Manager presented the staff report and stated State law requires a review of development impact fees on an annual basis. She stated the City has a number of impact fees but since development is down there has been no real revenue collection and most of the changes in the funds are interest earnings. She did note that the Open Space In Lieu money was expended on Lydia Lane Park but those fees were expended in the current fiscal year so they are not shown on this report. She stated there is still a nexus between the fees and their need to make improvements. She stated the childcare facilities fee of \$36,000 could provide for capital expenditures at the Clayton Community Gym for after-school programs.

Mayor Shuey asked if AOSL was aware of this fund. The Assistant to the City Manager stated the staff had talked to them about this fund in the past.

It was moved by Councilmember Pierce, seconded by Vice Mayor Geller to adopt Resolution 08-2011 with findings there is a reasonable relationship between current needs for the development impact mitigation fees and the purposes for which they were originally levied and collected (Passed; 5-0 vote).

- (c) Request for modification to the Mayor's appointment of the City's Alternate Representative to Central Contra Costa Transit Authority (CCCTA or "County Connection").

Mayor Shuey volunteered to replace Vice Mayor Geller as the Alternate Representative to the CCCTA.

It was moved by Councilmember Pierce, seconded by Councilmember Medrano to designate Mayor Shuey as the Alternate Representative to the CCCTA (Passed; 5-0 vote).

9. **COUNCIL ITEMS** – None.

10. **ADJOURNMENT**– On call by Mayor Shuey the meeting adjourned at 8:04 p.m.

Respectfully submitted,


Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL


David T. Shuey, Mayor